UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,873	02/11/2000	Derek L Collison	TEKN004/01US	5804

7590	06/04/2004

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EXAMINER
HO, THE T

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 06/04/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/502,873	COLLISON ET AL.
	Examiner	Art Unit
	The Thanh Ho	2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *11 March 2004* .

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-5,7-16,18-30,32-41 and 43-48* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-5,7-16,18-30,32-41 and 43-48* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *11* .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1. This action is in response to the amendment filed 3/11/2004.

2. Claims 1-5, 7-16, 18-30, 32-41 and 43-48 have been examined and are

pending in the application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5, 7-16, 18-22, 26-30, 32-41 and 43-47 are rejected under 35

U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and

distinctly claim the subject matter which applicant regards as the invention.

   A. The following terms lack antecedent basis:

           (i) "the unacknowledged message" (line 21 claim 1; line 22 claim

12; line 14 claim 26; line 17 claim 37). Corrections are required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-5, 7-10, 12-16, 18-21, 23, 26-30, 32-35, 37-41, 43-46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skeen U.S Patent No. 5,557,798 in view of Pedersen U.S Patent No. 5,961,586.

As to claim 1, Skeen teaches a method having publisher application and subscriber application (data producing and data consuming processes, lines 41-42 column 80) with identifiers (identified by the name, lines 27-28 column 4) in communication over a communications path (data path, line 46 column 80) comprising publishing a message (subscription request, lines 52-53 column 80) over the communication path without knowing the address of the subscriber application (no need to receive any address or address related data, lines 10-25 column 81); receiving the message (receive a subscription request, lines 52-53 column 80) at the subscriber application; registering a certified message subscription request for messages (register subscription, line 3 column 95); issuing notification at the publisher application of the registration request (the producer service will be notified of the subscription, lines 18-21 column 28); establishing a communications session (communication link be established, line 60 column 80) between the applications in which the publisher application communicates subsequent messages (subsequent data messages, line 31 column 100) to the subscriber application, monitors whether the subscriber has received message (verifies that all packets have been received, line 47 column 5); waiting for an acknowledgement of receipt of the subsequent message from the subscriber application (when all packets have been successfully received, an acknowledgment message is sent, lines 51-53 column 5) and resends the message (bad or missing packets are then

resent, line 51 column 5), establishing a certified message delivery session (lines 45-55 column 5). However, Skeen does not explicitly teach resending the message if not receiving the acknowledgement of receipt from the subscriber application within a defined time.

Pedersen teaches a client/server communication system (lines 3-16 column 2) wherein the sender application resends the message if the acknowledgement of receipt from the receiver application is not received within a defined time (the client sends a message and waits for the server to respond and if the response is not within a prescribed time interval, e.g. 5 seconds, the client resends the message, lines 54-58 column 5). It would have been obvious to apply the teachings of Pedersen to the system of Skeen because this allows the receiver application to receive the message in case the message gets lost or system failure.

As to claim 2, Skeen as modified further teaches the message type is identified by the message content (data of the requested type, line 7 column 5) and the subscription request is for messages of that content (access data on a specified subject, line 54 column 80).

As to claim 3, Skeen as modified further teaches the subscriber application registers the subscription request (register subscription, line 3 column 95).

As to claim 4, Skeen as modified further teaches a subject based addressing method (subject-based addressing, lines 63 column 4).

As to claim 5, Skeen as modified further teaches the subscription request identifies the subscriber application address (lines 1-4 column 90).

As to claim 7, Skeen as modified further teaches the subscriber application requesting registration (line 65 column 94 to line 20 column 95), the publisher application accepting the subscriber application registration request and registering the subscriber application (register subscription, line 3 column 95).

As to claim 8, Skeen as modified further teaches the publisher application notifying the subscriber application of registration (line 65 column 94 to line 20 column 95).

As to claim 9, Skeen as modified further teaches including a sequence number in the message to the subscriber application (adds sequence numbers to packets, lines 45-46 column 5); deleting the message from a ledger of messages (flush the packets out of the retransmit buffer, line 54 column 5) when the subscriber application acknowledges receipt of the message (have been successfully received, line 52 column 5).

As to claim 10, Skeen as modified further teaches a plurality of subscriber applications (one or more data consuming processes, line 31-32 column 91).

As to claims 12-16 and 18-21, they are system claims of claims 1-5 and 7-10, respectively. Therefore, they are rejected for the same reasons as claims 1-5 and 7-10 above.

As to claim 23, it is a method claim of claims 1 and 9. Therefore, it is rejected for the same reasons as claims 1 and 9 above.

As to claims 26-30 and 32-35, they are method claims of claims 1-5 and 7-10, respectively. Therefore, they are rejected for the same reasons as claims 1-5 and 7-10 above.

As to claims 37-41 and 43-46, they are method claims of claims 1-5 and 7-10, respectively. Therefore, they are rejected for the same reasons as claims 1-5 and 7-10 above.

As to claim 48, it is a method claim of claims 1 and 9-10. Therefore, it is rejected for the same reasons as claims 1 and 9-10 above.

5. Claims 11, 22, 24-25, 36 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skeen in view of Pedersen, and further in view of Martino U.S Patent No. 5,680,551.

As to claim 11, Skeen as modified further teaches the publisher application does not need to know the existence of the subscriber application (no need to receive any address or address related data, lines 10-25 column 81). However, Skeen does not disclose queuing of messages. Martino teaches queuing of messages (queuing and routing messages, line 11 column 4), the individual ones of the n-subscriber applications (applications/processes, line 13 column 4) indicate their availability to another one of the n-subscriber applications (applications/processes, line 13 column 4) as a scheduler (communication agent, line 15 column 4); and the scheduler routes messages to subscriber applications (communicating the routed messages and data through a communication agent, lines 14-15 column 4) having appropriate availability. It

would have been obvious to apply the teachings of Martino to the system of Skeen because this allows multiple communication facilities operate simultaneously whereas if one communication facility is failed, another communication facility can be picked up to continue the sending of information as disclosed by Martino (lines 1-42 column 3).

As to claim 22, it is a system claim of claim 11. Therefore, it is rejected for the same reasons as claim 11 above.

As to claim 24, it is a method claim of claim 11. Therefore, it is rejected for the same reasons as claim 11 above.

As to claim 25, it is a method claim of claim 11. Therefore, it is rejected for the same reasons as claim 11 above.

As to claim 36, it is a method claim of claim 11. Therefore, it is rejected for the same reasons as claim 11 above.

As to claim 47, it is a system claim of claim 11. Therefore, it is rejected for the same reasons as claim 11 above.

Response to Arguments

6. Applicant's arguments filed have been fully considered but are moot in view of the new ground(s) rejection.

Applicant's arguments presented issues which required the Examiner to further view the previous rejection. The Examiner conducted a further search regarding the issues mentioned in Applicant's response. Therefore, all arguments regarding the cited references of the previous rejection are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is 703-306-5540. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 872 - 9306.

- OFFICAL faxes must be signed and sent to (703) 872 - 9306.

- NON OFFICAL faxes should not be signed, please send to (703) 746 – 3493

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TTH
May 27, 2004